

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRAIG P. ORROCK,
Appellant,
vs.
LARRY J. SIGGELKOW,
Respondent.

No. 42449

FILED

NOV 17 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is a proper person appeal from a district court order granting judgment pursuant to a settlement agreement. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

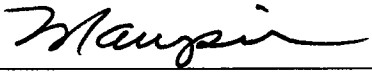
Appellant argues that he was deprived of due process when the underlying district court case was reassigned from the district court judge who heard and decided a discovery motion to another judge. Having reviewed the briefs and the record in this case, we perceive no deprivation of due process. NRCP 63 does not apply to this case, since the first judge had not presided over trial or any evidentiary hearings. Moreover, there is no due process right to have a case heard by a particular judge, especially since appellant does not assert that the newly assigned judge was biased,¹ and the record reflects that the case was reassigned in

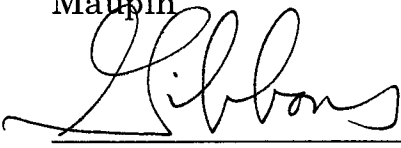
¹See United States v. Forbes, 150 F. Supp. 2d 672, 681-82 (D.N.J. 2001) (noting, in a criminal case, that overwhelming authority supports the proposition that “due process concerns are not implicated by the assignment of judges in a criminal matter unless the criminal defendant can point to some specific prejudice,” and citing United States v. Gallo, 763 F.2d 1504, 1532 (6th Cir. 1985) (stating that there is no right to have a

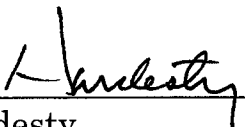
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accordance with the local rules.² Accordingly, we affirm the district court's order.

It is so ORDERED.³


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Michelle Leavitt, District Judge
Craig P. Orrock
Eric L. Zobel
Clark County Clerk

... continued

case heard before a particular judge, and that due process is not denied unless some resulting prejudice occurs)).

²See EDCR 1.60.

³Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal. We direct the court clerk to file appellant's June 20, 2005 letter informing this court that no transcripts are required, which was submitted in response to our May 17, 2005 order; we note that no action on this letter is necessary.